



Gerald C. Mann

~~FRICK DANIEL~~
~~ATTORNEY GENERAL~~

THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

Honorable T. M. Trimble
First Assistant
State Superintendent of Public Instruction
Austin, Texas

Dear Sir

Opinion No. 0-2730

Re: Transfer of all scholastics in
school district to another dis-
trict.

We are in receipt of your letter of September 10, 1949, requesting our opinion as to whether a school district, which does not receive aid from the Equalization Fund, may transfer all the children residing in said school district by contract to other than an adjoining district without securing the approval of the County Superintendent and State Superintendent.

In our opinion No. 0-2678 we ruled that Section 15 of H. B. No. 933, Acts Forty-sixth Legislature, Regular Session, Special Laws, page 468, requiring the approval of the County Superintendent and State Superintendent of Public Instruction did not apply to transfers made by the trustees of school districts which do not receive aid from the Rural Aid Equalization Fund, such transfers being made under the provisions of Article 2699, Revised Civil Statutes, 1925.

Article 2699, Revised Civil Statutes, 1925, reads as follows:

"Except as herein provided, no part of the school fund apportioned to any district or county shall be transferred to any other district or county; provided that districts lying in two or more counties, and situated on the county line, may be consolidated for the support of one or more schools in such consolidated district; and, in such case, the school funds shall be transferred to the county in which the principal school building for such consolidated district is located; and provided, further, that all the

Honorable T. M. Trimble, Page 2

children residing in a school district may be transferred to another district, or to an independent district, upon such terms as may be agreed upon by trustees of said districts interested."

That portion of Article 2699 authorizing the trustees of interested districts to transfer all the children residing in a school district to another district does not require that such contract and transfer be made with an adjoining district; it is therefore our opinion that transfers may be made thereunder to other than adjoining districts and that the approval of the County Superintendent and State Superintendent is not necessary.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By (s i g n e d)
Cecil C. Cammack
Assistant

CCC:LM/JCP

APPROVED OCT 3, 1940
(s i g n e d) Gerald C. Mann
Attorney General of Texas

APPROVED:
Opinion Committee
By B. W. B., Chairman

O.K. — G.R.L.